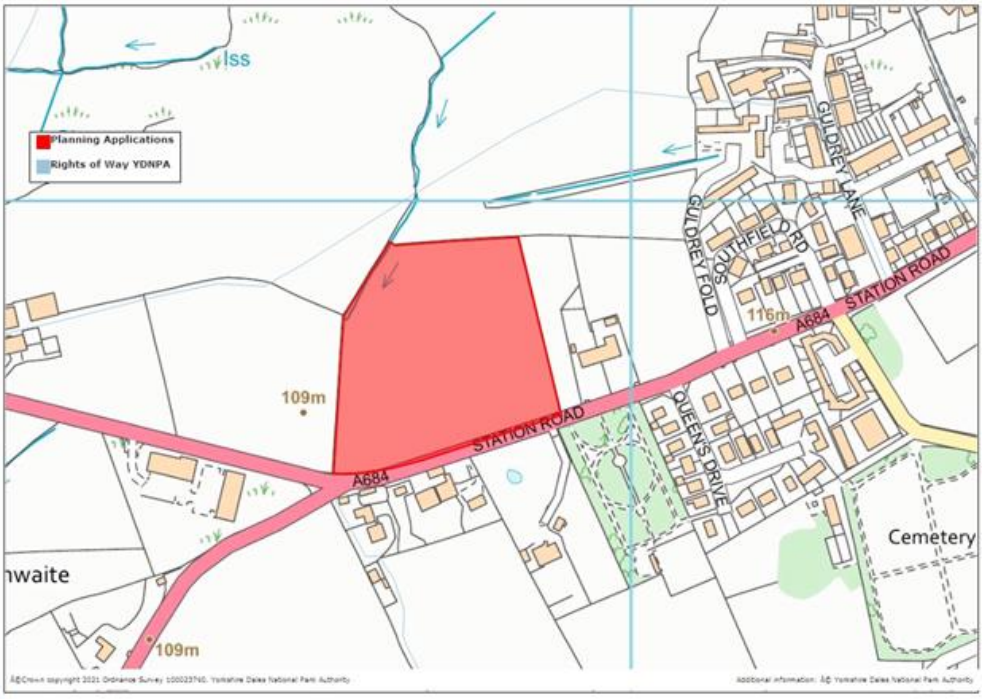
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Sedbergh
Date:	11 July 2023	**Officer:**	Katherine Wood
Applicant:	Broadacres Housing Association	**Application No:**	S/03/637A
Site Address:	Land off Station Road, Sedbergh, LA10 5HJ		
Proposal:	Section 73 application for variation of Condition 2 (approved plans) of S/03/637 (Full planning permission for erection of 49 No. dwellings in respect of relocation of Electrical Substation; amendments to the Infiltration Basin; amended road surface colours within the Site; removal of stone window/door heads) to the rears of Plots 16 to 42; revised locations of Bat/Bird boxes and amendments to the landscape drawings		



REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

2. This application relates to the Station Road housing site. The site was formerly an undeveloped field, partly enclosed by dry-stone walls, adjacent to the A684 (Station Road) to the west of Sedbergh. The development is currently under construction with the 49 dwellings approved in 2021 midway in their construction.

PROPOSAL

3. The application is a Section 73 application for variation of Condition 2 (approved plans) of S/03/637 (Full planning permission for erection of 49 No. dwellings) in respect of the relocation of the electrical substation; amendments to the infiltration basin; amended road surface colours; removal of stone window/door heads to the rears of Plots 16 to 42; revised locations of Bat/Bird boxes and amendments to the landscape drawings to reflect the above amendments.

RELEVANT PLANNING HISTORY

4. The following applications are relevant:

   S/03/637 - Full planning permission for erection of 49 No. dwellings (15 open market, 17 affordable/social rented, 17 affordable shared ownership), external works and landscaping Approved subject to a Section 106 on the 20th December 2021. Modification to Section 106 agreement to remove 7 affordable rent from the agreement, approved on the 7th March 2023.

CONSULTATIONS

5. The comments of statutory and non-statutory consultees are summarised below:

Trees & Woodlands – No objection.

Wildlife Conservation Officer – No objection.

Environment Agency – None received.

Chief Environmental Health Officer CEHO – None received.

United Utilities Water Ltd – No objection subject to a condition to ensure that the drainage for the development is carried out in accordance with the submitted Drainage Philosophy and no surface water is permitted to drain directly or indirectly into the public sewer.

Fire Officer - South Lakeland – advice provided on the requirements of Building Regulations 2010 and the Regulatory Reform (Fire Safety) Order 2005.

Highways and LLFA - Westmorland & Furness Council – (Original comment) We request further information to allow us to consider the proposal. The proposed infiltration basin occupies a reduced area in the proposed drawings so it needs to be confirmed whether the proposed amended basin will still meet the design requirements in regards to storing the runoff

generated from the design rainfall. We have no objection regarding the other amendments listed.

Follow up comment following the receipt of an additional plan - no objections.

Sedbergh Parish Council - Members had no objections to the external works and landscaping in respect of relocation of Electrical Substation; amendments to the Infiltration Basin; amended road surface colours within the Site; and revised locations of Bat/Bird boxes / amendments to the landscape drawings. Members however with to strongly object to the down grading of the quality of the scheme by the removal of stone window/door heads to the rears of Plots 16 to 42. The scheme has already changed in terms of its provision of affordable housing and to now lower the quality of build for the sole financial benefit of the developer would deliver in perpetuity to the community of Sedbergh housing below the specification originally envisaged and agreed. Members noted the implication that this had been pre-agreed with the planning officer, we feel that such a decision should not be dealt with by delegated powers but should be for the developers to prove their case in from of YDNP members at planning committee.

PUBLIC RESPONSES

Neighbour/interested parties' responses received: 0

6. Advertised by site notice dated 21st June 2023. No responses received to date. The site notice does not expire until just after the Planning Committee meeting – Members will be updated on any responses received before the meeting.

ASSESSMENT

Key Issues:

- Planning policy
- Visual Impact
- Flood risk and drainage
- Highway considerations
- Parish Council comments
- Equality Act

PLANNING POLICY

7. Section 73 of the Town and Country Planning Act (1990) allows for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

8. In this instance, permission is sought to vary condition 2 (approved plans) in respect of relocating the electricity sub-station due to regulations regarding how near it can be to residential properties and a slight reconfiguration of the drainage infiltration basin to meet their drainage strategy requirements. The applicant is also proposing to reduce the number of road surfacing materials so that the main circulation route is mostly tarmac. This is in order to meet the requirements of Westmorland and Furness Council as the local highway authority who are likely to be adopting the main highway and have specified the road surfacing material. Finally, the applicant has been seeking ways of reducing the costs of the development and as such has proposed omitting the lintels from the rear of several of the properties, mainly those on rear elevations that are not prominent from the public

highway. The bat and bird boxes shown are for clarification, showing them in the already approved positions on the buildings.

9. The key considerations are therefore how these amendments effect the approved development and surrounding area with regard to visual amenity, drainage and highways.

VISUAL IMPACT

10. There are four main changes to the design of the proposal;

11. The repositioning of the sub-station into the new landscape corridor will not be readily visible other than by people using this area as a pathway around the development. It will be very modest in size and set back within the tree line. A spur will be added to the path adjacent to provide access for maintenance with a permeable aggregate finish, although it is anticipated this will be used infrequently. It is considered that the re-siting of the substation will not have an adverse impact on the character and appearance of the development.

12. The slight reconfiguration of the central infiltration basin will not significantly change the appearance of this central open greenspace. The path through this area has been amended to circle the basin as this is required for the maintenance of the structure. However, it is proposed to be informally surfaced with permeable compacted limestone and so will not have a significant visual impact. The pathway will also enable good access to this area by the public.

13. The original approval was to block pave the majority of the roadways throughout the development, including a colour change from grey block paving to a buff paving. It is understood that, as part of the highway adoption requirements by the local highway authority, the use of the block paving to the extent originally proposed could not be agreed. As such, the proposal is now to surfacing the majority of the road in tarmac, with grey block paving to the head of the main loop road and to the two branch roads. It is considered that a simpler tarmac and grey block paving finish would be more typical of the roadways through Sedbergh and would not reduce the quality of the development.

14. The amendment also seeks to omit the lintels from the rear of 27 dwellings (plots 16-42); those where the rear elevations look onto private rear gardens. The applicants state that this has been done as part of the Value Engineering exercise due to rising costs on the project. It is considered that the omission of lintels from the rear windows will not significantly alter the external appearance of the buildings. The rear elevations of 16-42 face into private gardens. Plots 16-28 may be visible from the newly created trail through the landscape buffer to the west of the site and plots 29-33 may be visible from a public footpath to the north. However, views will be limited by rear garden fencing and tree and hedge planting to the extent that the rear window detailing will be a minor detail in these views. It is understood that the viability of the scheme has been a consideration throughout the construction due to rising building costs and, even minor changes such as proposed can assist with build costs without reducing the quality of the development overall.

FLOOD RISK AND DRAINAGE

15. The proposed central infiltration basin within the open greenspace is proposed to be amended slightly to increase the capacity of the basin to deal with surface water. It is not anticipated there will be standing water in the basin. The pathway through the greenspace

will need to run both sides to provide level ground for any maintenance of the infiltration basin. The amendment will not be a significant change, particularly given it already uses a natural depression within the site. The Lead Local Flood Authority has no objections to the amendment.

HIGHWAY CONSIDERATIONS

16. It is understood that the change in the surfacing materials for the access road are specifically to enable the road to be adopted by the local highway authority. Westmorland and Furness Council's highway officer has confirmed they have no objection to the proposed amendment.

PARISH COUNCIL COMMENTS

17. Sedbergh Parish Council has no objections with the majority of the proposed amendments. However, they have expressed concern at the down grading of the quality of the scheme by the removal of stone window/door heads to the rears of Plots 16 to 42. Their concerns are understood and it is considered important that the development is of high quality as a large development in a prominent position within the town. However, as explained above, it is considered that the proposed amendment would not negatively affect the main public views of the development and as such would not be perceived as a reduction in the overall quality of the houses.

EQUALITY ACT

18. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

19. The proposal does include amendments to surfaces and pathways. The use of compacted gravel should ensure that the pathways are reasonably accessible whilst balancing against the need for permeability and a natural finish. It is therefore considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

CONCLUSION

20. The proposed amendments are considered to be minor for this scale of development. Visually the changes would not significantly alter the character and appearance of the development. The amendments would improve drainage and enable the applicant to secure the adoption of the highway. It is therefore considered that the proposal would meet the requirements of policies SP4 and CC2 of the Local Plan (2015-2030) and guidance contained in the National Planning Policy Framework (2021).

RECOMMENDATION

21. The site notice advertising the proposed amendment does not expire until shortly after the Committee meeting. Subject to no substantiated objections being received which have not been addressed here, it is recommended that permission is GRANTED subject to amended condition 2 (plans), and adherence to all the original conditions attached to S/03/637 (updated to reflect the amended plans and the details that have since been discharged) and, subject to continuing adherence to the completed Section 106 agreement dated 7th March 2023 which secures the affordable housing and the provision of a commuted sum for highway improvements.